



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1459
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|-----------------------|------------------|
| 09/712,868 | 11/15/2000 | Masataka Ide | OOCL-46-(6MN-00S0996) | 3778 |

7590 11/20/2003
Straub & Pokotylo
1 Bethany Road
Building 6 Suite 83
Hazlet, NJ 07730

EXAMINER

HARRINGTON, ALICIA M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2873

DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/712,868

Applicant(s)

IDE ET AL.

Examiner

Alicia M Harrington

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7, 8 and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-14 is/are allowed.
- 6) ☒ Claim(s) 7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☒ Interview Summary (PTO-413) Paper No(s). 1003.
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other:

DETAILED ACTION

1. Applicant's after final amendment filed on 10/14/03 has been entered. The certified translation of the foreign priority documents has been review by the Examiner; thus, Kindachi (US 6,434,332) is no longer a valid reference against claims 7-8, 12-14. However, the Examiner has found the following US patents: Akashi et al (US 5,784,655) and Suzuki et al (US 5,241,167). A non-final rejection for claims 7-8 is discussed below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akashi et al (US 5,784,655) in view of Suzuki (US 5,241,167).

Regarding claims 7-8, Akashi discloses a distance measuring device comprising a distance measuring optical system for dividing an image of a subject

into two images (see figure 1; col. 8, lines 6-16); image pick up sensors formed on a semiconductor substrate (see col. 6, lines 35-50 and col. 8, lines 55-65; 201P and 201Q); a processor circuit formed on the semiconductor substrate (the controls for add adjacent columns of pixels- see col. 7, lines 40-51) for producing 1-dimensional data; and a control circuit(203) for detecting a focus(distance) detection area based on the 1-dimensional data. However, Akashi fails to specifically disclose the 1-dimensional data is for detecting the main subject and setting a distance measuring area.

In the same field of endeavor, Suzuki et al disclose a distance measuring device where the two dimensional sensor data from image pickup sensors is added to produce data that is used for detecting main subject and setting a distance measuring area for the main subject (see col. 9, lines 25-62 and col. 12, lines 15-50). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Akashi, as taught by Suzuki, to provide a high degree of focusing function.

Allowable Subject Matter

4. Claims 12-14 are allowed.
5. The following is a statement of reasons for the indication of allowable subject matter: prior art taken either singularly or in combination fails to anticipate

Art Unit: 2873


or fairly suggest the limitations of the dependent claims, in such manner that a rejection under 35 U.S.C 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in independent claims, which at least include detecting the main subject in a photography screen on the basis of the outline data output as claimed.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M Harrington whose telephone number is 703 308 9295. The examiner can normally be reached on Monday - Thursday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on 703 308 4883. The fax phone number for the organization where this application or proceeding is assigned is 703 872 9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956.


Scott J. Sugarman
Primary Examiner


Alicia M Harrington
Examiner
Art Unit 2873

Am